

From: Al Koscielny
To: Microsoft ATR
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Subject: Microsoft Settlement

I do not believe the proposed settlement will alleviate the lack of competition in the software industry. In the monopoly days of IBM, a single company controlled the hardware and all the software that ran on it. Many years of investigation by the DOJ forced production of enough documentation that other vendors could compete. In the current monopoly days of Microsoft, a single company controls the operating system and all the software that runs on it. The vertical stack of tied products has simply moved up the complexity chain.

I should have a choice between at least 2 operating systems, which would preclude the barriers to entry described in the findings in this case.

The proposed settlement would only prevent the abuses that Microsoft used in the past to keep its monopoly position. But those previous abuses are no longer important to preserving Microsoft's monopoly position. Currently it's claimed that there is not enough demand to preinstall any operating system other than Windows on a PC, although some vendors have offered Linux, mostly on servers. So Microsoft's hold on the desktop, 92% by some accounts, is not going to change without intervention. How will this settlement remedy Microsoft's ownership of the desktop market?

Recent years have seen a vast shift from single machine computing to a focus on inter-networked computers. The proposed settlement offers no mechanisms for keeping Microsoft in check that adapt to the rapid changes in technology. Over the past few years, I've come across a few sites that only work with Internet Explorer. If Microsoft can popularize IIS sufficiently, they can extend the vertical stack to include the server side of the Internet as well. Will Passport be popular enough that other vendors can be excluded from competition? Will Windows XP put RealPlayer out of business? Will false promises of interoperability help .net triumph over Java? Where are these areas of potential abuse addressed in the proposed settlement?

Thanks for taking the time to listen to my concerns.

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